men and true.

Then there are the students of human nature who go to a murder triel as they would attend an exposition of vivisection. The court room is so small that there is hardly enough room for all of Thaw's hardly enough room for all of Thaw's lawyers, let alone the human nature students, but a few of them have managed to get passes. Some of them are not there exclusively in the interests of science. Paul Armstrong, author of "The Heir to the Hoorah" and "Salomy Jane." was there yesterday. He saw everything through the dramatist's eyes. When asked if he intended to base a play on the case he remarked that it was a beautiful day for one so cold.

Theodore Kremer, who says "You're next" when anybody wants a melodrama, was observed in the corridors of the Criminal Courts Building while the session was in progress. He declined to tell why he was there. Later he was observed coming out of a hardware store carrying under his arm a crosscut saw, a cold chisel and a T square. The play will be ready this

MORNING COES WITHOUT A JUROR, There was little delay in getting at the work of examination yesterday morning. When Clerk Penney called "Harry K. Thaw to the bar," the defandant immediately appeared, coming through the door leading to the pen. He was dressed precisely as on the day before, down to the last

as on the day before, down to the last detail, and he carried the same light over-coat over his arm. He bowed to his wife and sister-in-law as he passed them.

George F. Langenbacher was the first talesman called. He escaped because he makes it a practice to go to Flatbush every night to sleep. He went away smiling happily and chewing gum.

A Harvard man followed him to the stand. He was Isaac W. Kendall, who is a banker and lives at 65 East Seventy-fifth street. He said that he was a member

street. He said that he was a member of the Harvard Club and that he knew William Thaw and his sister, but that he didn't think that would influence him in arriving at a verdict in case he became a juror. When it appeared, however, that Mr. Kendall had known members of the Thaw family all his life he was excused by general consent.
William C. Storey, a clerk, who lives at

william C. Storey, a clerk, who lives at 1575 Manhattan avenue and whose hair presents a sort of marcel wave effect, was next up. He presented one of those "teacher please may I go ont" notes to, the Judge and was excused.

After Lawyer Hartridge had asked one er Lawyer Hartridge had asked one

After Lawyer Hartridge had asked one candidate about pretty nearly everything under the heavens but cats, Mr. Jerome had a few more queries.

"If." he began, "you had any doubt about the guilt of the jury—or—I mean, of course, the defendant—"

Everybody smiled at the slip and even Mrs. Harry Thaw joined in the arausement and whispered a word to Miss McKenzie.

The advent of Arthur H. Easter, an advertising agent of 181 West Eighty seventh street, was the signal for a prolonged discussion over the distinction between a reasonable doubt and a possible doubt. Mr. Easter stopped this line of inquiry by saying that every possible doubt would have to be removed from his mind before he would vote to convict any body of murder. That let him out.

Francis J. Lynch, a house furnisher of 651 East 140th street, had answered all inquiries with apparent setisfaction, and Justice Fitzgerald had directed that he be sworn, when Lawyer Delmas bobbed up for the first time in the trial. He whispered

sworn, when Lawyer Delmas bobbed up for the first time in the trial. He whispered to Lawyer Gleason, who whispered to Law-yer Hartridge, who challenged peremp-

THAW PARTY LUNCH IN COURT ROOM.
When a recess was ordered at 1 o'clock
all the members of the Thaw family present
had a conference with Harry Thaw and his Then Thaw was taken to the Tombs, the rest of the party remaining in the court room to eat a !uncheon they had brought with them. Their experience with the crowd on the previous day not made them anxious to run the of being hustled in the corridors of the building. Later Mrs. Harry Thaw and Miss McKenzie visited Thaw in his cell.

THREE JURORS IN SHORT ORDER. At the afternoon session after a string of men with opinions or excuses had got away Pfaff, who said he didn't care to be taken away from his business for any length of time, was asked by Thaw's lawyer.

"Would the fact that you were kept away from your business for three or Tour weeks tend to affect your mind so that you wouldn't give proper attention to the case?"

"It wouldn't affect my mind in the least," and Mr. Pfaff with a smile. "It would.

said. Mr. Pfaff with a smile.

affect my business."

Justice Fitzgerald smiled and after Mr.

Jerome had asked a question or two Mr.

Pfaff was accepted. By direction of Justice

Fitzgerald he took the second seat.

The court room seemed to regard it as

abnormal that a juror should have been
found so soon. There was more surprise
when the very next talesman was accepted.

He was Arthur S. Campbell, a heavy set. He was Arthur S. Campbell, a heavy set, dark hairs man, with a good deal of strength in his face. He answered all the questions satisfactorily, his only plea being that he didn't like to be locked up.

The fiftieth talesman was called about

ten minutes before adjournment, which was at 5 o'clock. He was Henry C. Harney was at 5 o'clock. He was henry C. Harney, a middle aged man with a white mustache and hair, who is the manager for a piano warehouse and lives at 132d street and Brook avenue. He was the first talesman to admit that he didn't have any opinion on the case. He also said that he hadn't read much about it in the newspapers.

"If you are accepted as a juror in this case," said Mr. Jerome more solemnly than the other witnesses. "will in questioning the other witnesses, "will you decide it on sworn testimony that may be adduced here, uninfluenced by any

"Yes sir," said the talesman.
"What I mean is this," continued Mr. Jerome even more dramatically and with considerable feeling in his voice. "That however your sympathies might be aroused, your emotions stirred, either by the evidence, the dramatic incidents of the trial or the eloquence of counsel, when you retire to the jury room to pass upon the question of the guilt or innocence of Harry R. Thaw for killing Stanford White would you be influenced by anything except your you be influenced by anything except your reason in drawing conclusions of fact from the evidence and that alone?"
"I would not be so influenced," said Mr. Harney, and he promptly went into the

In sending the five jurors off to the Broad-way Central Hotel for the might Justice Fitzgerald again cautioned them about discussing the case or letting anybody talk to them about it. He added that he would do everything in his power to assist the jurors in facilitating their business affairs while they were looked up.

Evelyn Nesbit's Worn Shirt Walste. PITTSBURG, Jan. 24.-It developed here to-day that Mrs. Charles J. Holman, mother of Mrs. Evelyn Nesbit Thaw, has turned over to District Attorney Jerome of New York ten shirt waists once the property of her daughter. Bach of the waists is tors or otherwise damaged, and it is expected

that they will be introduced as evidence against Thaw.

According to Mrs. Holman, Thaw had a mania for tearing his wife's clothing both before and after the marriage of the young couple. In Paris and New York he is said to have torn off Evelyn's waists on several occasions in the presence of other persons.

Mrs. Holman secured possession of the torn clothing, with the intention of using it at the first epportunity to show Thaw's

torn elothing, with the interest it at the first apportunity to show Thaw abuse of her daughter. To each garment are attached data set-ing forth the exact time and place of each

You wouldn't want to go up to your office in your safe-a heavy steel thing up on wire ropes to the 15th floor. You'd rather walk. Did you ever think of your elevator as being like a mafe in the air—a steel

box on a wire rope?

There is another kind of elevator which fart dike a safe being hauled into the window. It's the "Plunger Elevator." This ian't pulled up by a wire. It doesn't dangle. It rests on a great steel column which pushes it by hydraulic power up from the earth. This column can't snap like a steel wireand let the safe tumble. This elevator is like

your office it has something under it a great STANDARD PLUNGER ELEVATOR COMPANY, 1 Broadway.

WILLIAM WHITELRY SHOT DEAD

LONDON'S"UNIVERSAL PROVIDER" KILLED IN HIS STORE. .

By a Man Calling Himself His Sop, Who Afterward Shot Himself Family Doesn't Know Assaliant Panie Among Shoppers -- Whitely's Rise as a Mèrcha Special Cable Despatch to THE SUN.

LONDON, Jan: 24.-William Whiteley, known as "The Universal Provider," who established the great department store in Westbourne Grove, the first of its kind in London, was shot dead this afternoon by an unidentified man, who afterward attempted to commit suicide.

Mr. Whiteley was in his store, when the man, who was well dressed, entered and insisted on seeing him. The two men had heated interview, which ended by Mr. Whiteley threatening to call the police. As ne turned to reenter his office his assailant fired twice from a revolver into the back of Mr. Whiteley's head and then shot himself in the forehead, falling across his victim's body.

The store was full of customers, who were thrown into a panic. The police had some trouble in restoring order. They cleared the place and closed the doors.

The murderer is about 35 years old. He gives the name of Cecil Whiteley. He is now lying in a hospital in a hopeless condition. When asked about the affair he said: "I shot my father."

Two sons of Mr. Whiteley who have seen he murderer declare that they do not know him, and he is a stranger to the entire Whiteley family.

William Whiteley, by birth a Yorkshire-man, has been for years one of the most prominent merchants in London. The Whitelev store is one of the recognized show places of Great Britain's capital. Whitelev is said to have been the originator of the department store idea. In his own

Whiteley is said to have been the originator of the department store idea. In his own vast establishment almost every conceivable sort of article could be purchased. He was dubbed in fun "The Universal Provider," and came very near to meriting the sopriquet. His employees numbered many

hendreds.

In 1851 Whiteley went to London with \$50 as his sole wealth. He worked a while in a store, saved his money and, borrowing enough from his friends to make up a total capital of \$3,500, he opened business in Westbourne Grove in fest.

His only employees were two girl assistants and an errand boy. The store has grown until now William Whiteley, Ltd., has a capital of more than \$4,500,000. The elder Whiteley was president, and his son, William, Jr., is secretary of the company.

DIE WACHT AN PANTSEN. inpaid Tailors Finally Surrender to Proces

of the Law.

The \$8,000 worth of children's clothing about a hundred tailors had been guard-ing in the shop on the fourth floor of 5 Gouverneur street was removed yesterday by City Marshals Kraushaar and Self on a writ of replevin issued by Judge Sanders of the Thirteenth District Municipal Court at the request of the four whole sale clothing firms that owned the goods.

Aaron Heller, the contractor, had failed to pay his workmen after collecting \$1,500 from the firms for their work, so the tailors seized the piles of "pants" and, with 200 of their relatives, sat on them all night, vowing never to let them go until wages

were paid.

Sergt Beettler and Roundsman Specht
of the Madison street station were on band
when the marshals appeared and it looked
as if there would be trouble until it was explained to the tailors that the goods would be stored and that they would have an opportunity to present their claims against them before Judge Sanders on Saturday, when the writ is made returnable. Saturday, when the writ is made returnable Saturday, when the writ is made returnable.

They then permitted the removal to go on.

Solomon Fliegelman and Sam Rosenbaum, two of the tailors, could not bear
the sight of the representatives of the
clothing firms sorting out the goods and
tried to assault them. They were taken to

tried to assault them. They were taken to the Madison street station on charges of disorderly conduct. After all the goods had been reserved the tailors rushed back into the loft and carried away the fifty sewing machines which Heller had in-stalled, and also all the irons, ironing stoves and furniture. They said that they would sell this against their claim on Heller, which aggregates about \$2,000. aggregates about \$2,000.

COLLEGE CLASS FIGHT IN HOTEL. Sophs Wreek Dining Room Prepared for Freshmen's Feast -20 Arrested,

PHILADELPHIA, Jan. 24.-In a rush between University of Pennsylvania freshmen and sophomores to-night the Contidisorder and twenty students were arrested Two hundred freshies had arranged

secret banquet on the second floor of the hotel. The sophomores, learning the secret. marched down Chestnut street and rushed into the hotel. Bellboys and porters tried to halt them.

but the students overturned all in their path and quickly made their way to the banquet half. With a shout they rushed the tables and succeeded in overturning

Then followed a battle. Bowls of chicken salad, rolls, apples, bunches of grapes, tumblers and forks served as missiles. For a while the sophs had the better of it,

as their attack was unexpected, but the freshmen by force of numbers routed them. Windows were broken, chairs were smashed and there was a sad smash of crockery. In the corridor the retreating sophs were halted by a force of police who had been summoned by the hotel management. Waiters pointed out about a score of the more bolsterous of the sophs and they were arrested. Then the freshies, many of them with torn clothing, resumed many of them with torn clothing, resumed their bedraggled banquet.

Correct Arres for Min

\$18 expended on the purchase of a Winter Suit or Overcoat

now will bring results that formerly required \$25, \$28 or \$30.

All fur-lined Overcoats reduced-formerly \$75 to \$300, now \$60 to \$225.

George G. Pomponin. Broadway, Cor. 36 \$57.

ADMIRAL DAYIS JUSTIFIED.

NAVY DEPARTMENT FINDS PREC-EDENTS FOR HIS ACTION

Landing Troops When the Need Was Urgent-How Another British Governor Acted—Official Text of Swetten bam's Letter and a Note of Thanks

WASHINGTON, Jan. 24.-Rear Admiral Davis's action in landing bluejackets in Kingston, which brought on the trouble between the Admiral and Gov. Swettenham is justified in a statement issued from the Navy Department this afternoon which has in it some hitherto unpublished facts concerning the incident.

The statement shows that the action taken by Admiral Davis was not without precedent. Precisely the same thing was done in March, 1896, at the city of Port of Spain, in Trinidad, a British island, when more than 200 men from the New York, the Raleigh and the Cincinnati were put ashore to fight a fire.

An of cer was despatched ashore to offer ssista ace, but before his return the fire had ssumed such proportions that fire parties from the three ships were landed without waiting for any formal request

The attitude of F. Napier Broome, the Governor of Trinidad, was decidedly different from that of Gov. Swettenham. Gov. Broome was profuse in his thanks for the aid rendered and said that he would be obliged if Admiral Meade, in command of the American squadron, would permit the Government of Trinidad to pay for any loss to the men caused by the fire injuring their clothing or equipment. This is but one of the various incidents which furnish precedents for Admiral Davis's action in Kingston last week.

It appears from the statement made by the Navy Department this afternoon that Admiral Davis sent six men ashore to guard the consulate and ten men to clear away wreckage without permission; at least it is hot shown that he did make any formal request. Later, however, the Colonial Secretary and the Inspector of Police, speaking for the Government, made an earnest request that fifty men from the American ships be sent to guard the mutinous prisoners. This was done

Officials here believe that if the presence of the fifty men to guard the penitentiary was permissible there could have been no sensible objection to the six men who were looking after the American Consulate. On the same day the landing parties from the American vessels went ashore Gov. Swettenham requested Admiral Davis to order their reembarkment. This was done

immediately.

The Navy Department made public to-day the text of the letters exchanged between Admiral Davis and Gov. Swettenham They do not differ materially from the copies published in this country. There the copies published in this country. There are some changes in unimportant words such as conjunctions and articles, due, no doubt, to transmission by cable, but in all essential details Gov. Swettenham's letter is just as distasteful in this official form as it was when published in the newspapers. The letters were forwarded to the Navy Department by telegraph by Rear Admirel Evans at Guantanamo, to whom as commander of the Atlantic fleet Admirel Davis made his report. It now appears that Gov.

mander of the Atlantic fleet. Admired Davis made his report. It now appears that Gov. Swettenham wrote two letters to Admiral Davis on January 18, one of thanks and the other a taoit request for the Americans to get out. The existence of the first letter, which was very short, was not known until to-day, when Admiral Evans's report came in. This communication said:

I heg to thank your Excellency for the kind assistance which you have rendered to the Government of this colony. I have the honor to be, sir, your obedient servant, A. J. SWETTENHAM, GOVERNOY.

The official text of the second letter, which made all the trouble, follows: HEADQUARTERS HOUSE.

KINGSTON, Jan. 18, 1907. DEAR ADMIRAL DAVIS: I thank you very livered to me this morning, for your kind call, and for all the assistance you have given and have offered to give us, While I most fully and heartily appreciate your very to ask you to reembark your working parties and all parties which your kindness has prompted you to land.

If, in consideration of the American Vice-Consul's assiduous attention to his family at his country house, the American Consulate may need guarding in your opinion (he was present, and it was unguarded an hour ago) I have no objection to your detailing a force for the sole purpose of guarding it, but your more offensive than clubs or staves for their

I find your working party this morning helping Mr. Crosswell to clean his store. Mr Crosswell is delighted to get valuable work done without cost to himself, and if your Excellency were to remain long enough I am sure almost the whole of the private owners would be glad of the services of the navy to save them expense.

It is no longer any question of humanity. All the dead died days ago and the work of giving them burial is merely one of conven-

I should be glad to accept delivery of the safe which alleged thieves were in possession of from Milke's store. The American Vice-Consul has no knowledge of it. The store is close to a sentry post, and the officer in charge of the post professes profound ignorance of the incident, but there is still on the premises a large safe which was opened both by First (sic) and by other means.

I believe the police surveillance of the city s adequate for the protection of private property. I may remind your Excellency that not long ago thieves had lodged and pillaged the town house of a New York but this fact would not have justified a British Admiral is landing as armed party to assist

the New York police.

I have the honor to be, with the profound gratitude and the highest respect, your obedi

ent servant, J. A. SWETTENHAM, Governor. Following is the statement made by the

The department has received the full text of the correspondence between Admiral Davis, who recently visited Kingston, Jamaica, after the earthquake, and Sir Alexander Swettenham, Governor of Jamaica.

From this correspondence it appears that Admiral Davis landed a party of six men for the purpose of guarding and securing the archives of the American Consulate and anther party of ten men for the purpose of clearing away he wreckage. Later, upon and the Inspector of Police, who spoke fo the Governor (the Governor being absent from the city and at King's House, some

The action of Admiral Davis in landing under the circumstances is not without precedent, there being numerous cases to justify it, and as an incident a copy of a report by Rear Admiral R. W. Meade, U. S. Navy, in landing men at Port of Spain, Trinidad, to suppress a fire, and a letter by the Governor of the island of Trinidad expressing his gralt tude for the action, is shown herewith

dad.
The most Rev. Enos Nuttall, Lord Archbishop of the West Indies and chairman of the Kingston relief committee, to-day cabled to President Roosevelt thanking cabled to President Roosevelt thanking him for the prompt aid rendered by the American warships under Rear Admira Davis. The despatch follows:

We all appreciate deeply American sym-pathy in our distress, and the prompt visit of your men-of-war for our succor. Happily the supply of food available for relief committee is sufficient. After meeting the cost of this, our next great want will be the means o making small houses habitable. All our people are behaving aplendidly.

SWETTENHAM TAKES OUR HELP.

From THE SUN Correspondent at Kingston. KINGSTON, Jamaica, Jan. 24.—Gov Swettenham has accepted the stores and money which have arrived here on the steamer Advance, from Colon, and the

The Governor has written to the Havtian Secretary of State and Chief Engineer Stevens of the Panama Canal express the heartiest thanks in the name of the Jamaican sufferers, and as Mr. Stevens has explained that the stores brought by the Advance were the property of the United States Government Gov. Swettenham says the Jamaican Government, will be found ready to assent to whatever adjustment the United States Government will

Mr. Orrett, the American Vice-Consul, ha written to the *Telegraph* explaining the details of the landing of American marines here. He says: "The facts of the case shortly follow: I met Admiral Davis at Headquarters House, and after introducing him to Colonial Secretary Bourne the Admiral at once offered his services and to land immediately as much food, medical supplies, &c., as might be needed. While in the midst of this interview the Deputy Inspector hurriedly arrived and reported to the Colonial Secretary that there was a serious mutiny at the general penitentiary, which, he said, only an armed force could quell, and the Admiral's aid was invoked and was accepted.

Deputy Inspector-General and myself, gave instructions to his Flag Lieutenant, which the latter took down in writing, to return at once to his flagship and order the Indiana to anchor off the general peniteptiary and land an armed party and to land any other parties the authorities might

"Only a small guard was landed, with a working party, to save the archives at the consulate, and when they had completed their work they at once joined a genera working party who were then engaged in the city doing work, which, I venture to consent of the authorities."

the disaster well, although their attitude suggests resignation and lack of ambition as much as fortitude. Scarcely any of the houses left standing are inhabited, and the recurring tremors are trying the nerves of everybody. Government headquarters. which was hadlyshaken, is still used.

MINGSTON MUST BE REBUILT. LONDON, Jan. 24.-The Colonial Office has received a despatch from Gov. Swetten ham saying, among other things, that

Kingston must be practically rebuilt. Five hundred and thirty bodies have been buried. Some undistinguishable remains were burned. Perhaps a hundred or two hundred bodies are in the ruins.

in outhouses or in the less injured rooms of their houses. More than 3,000 are quite Relief costs almost \$500 daily. The orphans, cripples, aged and the most helpless will

The despatch records the arrival of the British cruiser Brilliant, the French cruiser Nord Alexis, with supplies, and the steamer Advance, from Colon, with stores and a the Colonial Secretary to thank France, Denmark and Hayti for the help given from Martinique, St. Thomas and Hayti, and Holland for an offer of assistance from

ion).-The Panama Railroad Company's steamship Advance arrived to-day from Colon bringing 100 tons of food, thirty tons of it being from the Panama Canal Commission, 150 tents and \$820, consigned to the Government. The tents were accepted and turned over to the relief commission. It is understood that the remainder of the donation will be accepted, though Mr. Bourne, the Colonial Secretary, is noncommittal.

The Secretary said he did not know anything about it when asked about a rumo here that King Edward has ordered that the policy of President Roosevelt in refusing foreign aid for San Francisco be followed in Jamaica. It is said that as no food is needed no encouragement would be given to gifts of food. No such gifts have been refused, so far, as it was thought it would be churl sh to do so.

Some rebuilding has been begun. . The

approachable. About 2,000 persons are receiving daily aid from the food fund, the sum now available being \$6,000.

Archbishop Nuttall declares himself hopeful of the future, as the earthquake did not hurt the producing power of the country. The wrecked steamship Prinz Waldemar has five feet of water in her hold forward and has been finally abandoned as a total

The negroes are freely discussing the religious aspect of the earthquake. They seem to think the catastrophe a punishment for bad blacks and whites.

panies will not pay their loss Adverse parallels are drawn between the treatment given Jamaica and San Francisco. All the twelve churches in Kingston were destroyed. It is stated that only one of the incumbents will have any income for this month. The parishioners are un-

able to pay them. About \$100,000 damage was done to the public buildings at Spanish Town. The old Spanish Cathedral there, occupied by an Anglican congregation, was badly damaged. The damage to the rest of the island was slight, though shocks have occurred nearly everywhere.

LONDON IGNORES CHARGES That Americans Were III Treated by Engile men at Kingston.

Special Cable Bespatch to THE SUN LONDON, Jan. 25 .- Only two papers this norning reproduce or refer to the charges of ill treatment of Americans in Jamaica; which are attracting little attention here. None of the despatches from Kingston since the beginning of the trouble has mentioned such ill treatment, although many correspondents denounced the rejection of American naval help and recorded the local indignation over the Governor's action.

The New York correspondent of the Telegraph treats the accusation with some detail, citing also the rebutting statements printed and the result of his own inquiries, but he does not express belief or disbelief in the accuracy of the reports.

The Washington correspondent of the Morning Post, on the other hand, treats the complaints seriously, and asserts that the impression caused in America by them is such that it is likely to estrange the nations unless the charges can be conclusively shown to be untrue and due to the unstrung nerves of the narrators, which led them to exaggerate or misconstrue wha at other times might be treated as trivial. He earnestly appeals for a prompt and efficacious denial to appease the intense resentment caused by the accusation.

Says He Didn't Sign Protest.

Ernest E. Ling of Tarrytown, who arrived on Tuesday from Kingston on the steamship Eitel Friederich, was one of the few passengers on the ship who did not sign a protest against the actions of the officials and Sir Alfred Jones in refusing to aid Americans after the earthquake.

Mr. Ling says that he and Mr. and Mrs.

Gaspard Lemoine had no knowledge of what took place on the Hamburg-American what took place on the Hamburg-American pier in Kingston, as they were cared for on the steamship Naparima by Capt Campbell. For him, the employees of the Myrtle Bank Hotel and Capt. Forwood the Hamburg-American agent at Kingston, Mr. Ling has nothing but praise.

Severe Earthquake in Spain Special Cable Despatch to THE SUN. MADRID, Jan. 24 .- A severe earthquake was felt to-day at Alicante. No damage was done.

NEW IRISH PARTY. Walter Long, Who Was in Balfour's Cabinet,

Is the Guiding Spirit. Special Cable Despatch to THE SUN. LONDON, Jan. 25 .- The Times says that in view of the dubious attitude of the Government toward home rule for Ireland and the probability that a large measure of devolution will be introduced at the next ession of Parliament a new organization called the Union Defence League has been

Walter Long, who was Chief Secretary for Ireland in Mr. Balfour's Cabinet, is the guiding spirit of the league, which includes most of the Unionists in both houses of Parliament. Its object is to bring the real facts of home rule or devolution before the electors by an active camraign throughout the country.

BAILEY'S CASE IN COMMITTEE. Devoted to Argument as to Be First Witness.

AUSTIN, Tex., Jan. 24.-The House and Senate apecial committees appointed to investigate Senator Bailey to-day heard arguments of attorneys for Mr. Bailey and the prosecution on the question of whether the Senator should be called as the first wit-

The prosecution held that the procee The prosecution held that the proceedings were in the nature of a civil trial, and that under court rules Mr. Bailey, as the party to a contract with the people, which he is alleged to have violated, should be called as the first witness.

T. D. Cobbs of the committee argue against Bailey being placed upon the stand at this time. He urged that the prosecu-tion should first introduce testimony in

should not be called as the first witness.

J. D. Johnson of St. Louis, attorney for the Waters-Pierce Oil Company, the first witness, was placed on the stand to-night.

The armination was devoted to preliminary. The examination was devoted to preliminary questions, and he will be examined to-morrow on Mr. Bailey's alleged transaction with the company.

JURY DEFIES JUDGE'S ORDER. Gives Judgment for Insurance, Despite Ruling That Earthquake Clause Is Good.

SAN FRANCISCO, Jan. 24.- Despite the nstructions of Judge Whitson, sustaining the validity of the earthquake clause in insurance policies, the jury in the suit of Thomas I. Bergin against the Commercial Insurance Company of London returned a verdict for the plaintiff with judgment for \$6,778, the face value of the policy. Bergin owned a building that burned the day of the earthquake. There was no

question that the fire was due to the earth-quake and the Court so instructed the jury. The jury, however, paid no attention to these instructions and found for Bergin, A stay of thirty days are granted in which to prepare a motion to set aside the that the fire was due to the earth

ATTACKS CASHIER IN BANK. Mob May Lynch Man Who Used Hatche in Effort to Rob.

EVANSVILLE, Ind., Jan. 24 .- As John D. Gregory, cashier of the Peoples Bank at Dycusburg, Ky., a small town near Paducah. was arranging the time lock this evening he was attacked by a man with a hatchet and so badly injured that he cannot recover. and so badly injured that he cannot recover.

Gregory struggled and called for assistance and the robber fled. He was recognized as Edward Gregory, and was arrested.

He is under guard, as Dycusburg has no jail. At 10 o'clock to-night a mob was

150 Bid for Stock in New Chicago Ban CHICAGO, Jan. 24 - There were bids of 150 among Chicago brokerage houses today for the stock of the new National City Bank of Chicago. No sales were reported The stock was subscribed for at 130 per It was announced to-day that the limited

amount of the \$1,250,000 capital stock of the new Harris Trust and Savings Bank, set aside for sale to persons outside of the interests in the N. W. Harris Company, has been subscribed for several times over.

Attachments Against Laura Biggar.

Deputy Sheriff McCourt has received

two attachments against Laura Biggar, one for \$5,000 in favor of Agnes Mary Hendrick in her suit for \$100,000 damages against Mrs. Biggar for alienation of Hendrick's affections, and the other for \$910 in favor of the Gillin Printing Company. Lis pendens was filed in the County Clerk's office on a life interest of Mrs. Biggar's property, 119 East Eighty-third street.

Kennedy

Our Model Garments will be offered during this entire week for 1/3 less

than the regular standard price. The Stock consists of Fall and Winter Overcoats, smart Ulsters and Motor Coats, Fur Lined and Pony Coats, Evening Dress and Dinner Wear Frock and Morning Suits: also Sack Suits, with a number of smart odd Waistcoats.

292 FIFTH AVE.

MIDWINTER PLEA FOR BIRDS.

AUDUBON SOCIETY APPEALS FOR FOOD FOR THEM.

Zero Weather and Snow More Dangerous Than the Plume Hunter, and Crumbs and Suet Will Save Many for Next Summer-Kinds That Winter Here.

It isn't only the humans that suffer in the zero weather. The feathered folk have their troubles along with the rest, and the death rate, according to the statis-tics of the American Audubon Society, is appallingly great. The bird bread line forms about every farm house and suburban porch, and even city dwellers may contribute their mite to save next summer's orchestra.

Just how hard a time the birds have when the mercury drops down in the thermometer and drifting snow covers the food supply may be gathered from the report of Dr. Roberts of the Audubon Society in Minnesota, who told the society congress of 1905 that during the cold snap of that year nearly a million birds perished in his State. Several years ago, according to the reports of the same society, Curator Hornaday of the Bronx Zoo concurring, the bluebirds were almost exterminated when Jack Frost travelled down into Arkansas far out of his ordinary track. So great was the slaughter that for several years afterward bluebirds were a rare sight in localities where before they had been seen in great numbers.

It will surprise the city dweller who believes that all the birds go South about the time the steam heat is turned on to learn how large a number of plucky little chaps in feathers brave the Northern winters. A list furnished yesterday by the secretary of the Audubon Society includes the robin, song sparrow, the bluebird, myrtle warbler, who as a rule prefers the West Indies and is the only one of his family to remain North; the nuthatch, the brown creeper, the tree sparrow, the white throated sparrow, the chickadee, that most cheerful of the all year rounders; the Bohemian wax wing, the quail and the partridge. Among the less musical are the crow, the butcher bird, the bluejay and the woodpecker family. Many of these and of other bird, tribes winter North, and unless their human friends lend crist. and unless their human friends lend quick and intelligent aid perish by hundreds when taken unawares by a sudden cold wave accompanied by snow. The cold alone they can stand, if well fed, but the snow covers the seeds on which they feed.

anone they can stand, if well fed, but the snow covers the seeds on which they feed.

"If there were a systematic movement to help the birds in winter it would make a big difference in the death rate," said the secretary of the Audubon Society yesterday. "A little shelter about barns and porches and a small gift of food, scattered crumbs and the like, mark the difference between life and death to the birds in severe weather." A bit of suet hung on the trees or within some friendly shelter is an easy charity, and Curator Hornaday says that the bird death rate in Bronx Park is kept very low by this means. The Audubon Society organizes a winter bread line for the birds through its members, but as in most bread lines the applicants are in excess of the food supply and unless the outsiders lend their aid a cold snap like the present one is sune to thin the ranks of the summer singers.

present one is sune to thin the ranks of the summer singers.

Even the sportsman may well lay aside his gun and take, up rescue work among the game birds. The quail in particular fall an easy prey to snow and cold. The familiar "Bob White," an all the year round resident in every locality in which he is found, like most of the other, winter residents among the birds, depends largely for his food supply on the seeds of weeds that rear their heads above the slighter snowfalls. With heavy snows and severe cold the quail die in hundreds, and often after an unusually hard winter disappear for several seasons from localities where they were formerly plentiful.

The partridge suffers rather less, for Dame Nature provides him with thick growing

The partridge suffers rather less, for Dame Nature provides him with thick growing hairs between the toes that act as snow shows for winter use and an ability to dive and burrow in the snow in search of both warmth and food. Only sleet and the forming of a thick snow crust while the partridge is engaged in tunneling operations disturb him. Ilhis, forming in a few hours, often cuts off a whole covey.

Even the shyest of the feathered folk become friendly when the cold shuts down. According to the Audubon Society any one who will take the trouble to scatter a few crumbs in sheltered places will be rewarded by rare visitors, and the bit of suet hung on a tree or trellis near a suburban home will bring strange callers from both north and south, the crossbills, both white and red winged, and the snowbirds who have journeyed south on a vacation from the more Arctic regions.

more Arctic regions.

Central Park has as occasional visitors most of the lesser birds named, and as all year round residents a few of them. The Audubon Society tries to look out for the welfare of the city's feathered guests during the winter, but it is said that the squirrels and the ever present English sparrows get the lion's share of the provender. A West Side woman who takes much interest in the winter birds has hit on the plan of enclosing her food offerings in little bags, which she hangs on the end of slender twigs. The squirrels are too heavy to steal the store The squirrels are too heavy to steal the

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old substitutes so-called "VICH" effered by unscrupulous dealers so placed and the sparrows have a natural aversion to anything that swings.

More birds die of cold and starvation, according to the experts, than perish by the gun, and even the deadly demand of fashion for feathered hats is not so terrible to the songster as the deep snow and zero weather. A little shelter, a few crumbs or a bit of suet, then, and every one may become a life saver and the Conried or Hammerstein, as you will, of a bird orchestra.

BUSINESS NOTICES. Mrs. Winslew's Soothing Syrup for childrenteething, softens the gums, reduces inflammation allays pain, cures wind coile, diarrhea, 25c. a bottle

DIED. ALGER.-Russell Alexander, at Washington, on Thursday, Jan. 24, 1907. Funeral services at residence, 1401 16th st., Washington, Saturday, Jan. 26, at 2 P. M., and at Detroit, Monday, Jan. 28, at 2 P. M.

BEHRINGER.—Suddenly, at Elmhurst, N. Y., on Jan. 23, 1907, John S., beloved husband of the ate Emily Fritsch Behringer, in the 53d year of his age. Funeral services Saturday at his late residence. 210 8th st., Elmhurst, at 2 P. M. Interment Mount Olivet.

BOGERT.—On Fourth day (Wednesday), First month, 23d, 1907, Rudolphus Ritzema Bogert, in his 65th year. Funeral services at his late residence, 189 South Oxford st., Brooklyn, on Seventh day (Satur-day), First month, 28th, at 2 o'clock. Inter-

ment at the convenience of the family. BROCKWAY.—On Jan. 24, 1907, suddenly, at his residence, 71 West 49th st., Charles Marvin Brockway.

Notice of funeral hereafter. Boston papers please

HAYDEN,-Atthis residence, 5 East 47th stree on Tuesday, January 22, 1907 James A. Hayden in the eighty-second year of his age. Funeral services will be held at his late residence Friday, January 25, at 10 A.M. Interment at convenience of family. Waterbury. Conn.

papers please copy. MERWIN,-On Tuesday, Jan. 22, 1907, at Brook lya, N. Y., after a brief tilness, Almon Baxter Merwin, aged 72 years.

Friends are respectfully invited to attend the funeral services at the residence of Mr. Charles E. Hill. 118 Mount Pleasant av. Newark. N. d. on Friday, Jan. 25, at 2 P. M. Interment in NORTH.—On Jan. 23, of pneumonia, Augusta Kate, beloved wife of the late John J. North, affec-tionate mother of Samuel D., the late Ida Augusta and John J., and grandmother of

R. I., aged 56 years 3 months and 20 days. Funeral services at residence of her son, 387 East 14th st., Brooklyn, Friday, Jan. 25, at 2:30 P. M. Temporary interment Evergreens Cemeter Cal., papers please copy UTTON. -At Babylen, L. I., Jan. 22, 1907, Fannis

Steele, wife of the late Woodruff Sutton and daughter of the late Dr. William Steele and Annie Ostrom. Funeral from her late residence, Babylon, L. I on Friday, Jan. 25, at 10 o'clock in the morning

Carriages will meet train that leaves 34th st. ferry at 8:30 A. M. Interment private. Please mit flowers.

WEST .- At Morristown, N. J., on Tuesday, Jan. 22 1907, after a brief illness, in the 89th year of his age, Hilborne West, M. D., son of the late James West of Philadelphias Pa-

three office distant). Afty men were landed under arms from the Indiana to overswe an alleged mutiny at the penitentiary contain-ing five or six hundred prisoners.

was accompanied back to the city by the Governor. That same afternoon, upon re-quest of the Governor, the men were withdrawn from shore and returned to their

Admiral Davis then proceeded by carriage to visit the Governor at King's House, and found him living with his family in tents, and

Accepts Government Stores Sent Fron Panama - Vice-Consul Orrett Expiains.

Nord Alexis, from Hayti. The latter brought \$5,000 and a quantity of fivestock.

"It was arranged that a party should be landed at once. The Admiral then, in the presence of the Colonial Secretary, the

say, needs no comment at my hands. You will therefore appreciate that all the Admiral did was with the full knowledge and

A majority of the population are living homeless. There are in the hospitals 379 persons, besides very many who are being treated privately. The subscriptions repeived or promised reach a total of \$129,830.

be under the permanent charge of the Governor. Kleber, the Haytian presidential yacht deputation. Panama sent a promise of \$5,125 in subscriptions. The Governor asks

KINGSTON, Jan. 22 (Delayed in transmis

tructures are mostly for small shops. The opinion is that some official plan should be outlined regarding the class and location of buildings, individuals doing the rest. However, the officials here are un-

There is much disappointment over the